

Department of Legislative Services
 Maryland General Assembly
 2013 Session

FISCAL AND POLICY NOTE

House Bill 950
 Judiciary

(Delegate Dumais)

Judicial Proceedings

Circuit Court Clerks - Salary

This bill increases the maximum annual salary that the Board of Public Works (BPW) may set for the clerk of each circuit court from \$98,500 to \$114,500. The bill's provisions apply at the beginning of the next following term of office.

Fiscal Summary

State Effect: General fund expenditures increase by \$273,300 in FY 2015 due to the impact of salary increases that take effect on December 1, 2014. Future year expenditures reflect annualization.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	0	273,300	468,500	468,500	468,500
Net Effect	\$0	(\$273,300)	(\$468,500)	(\$468,500)	(\$468,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The clerk of each circuit court is entitled to receive an annual salary of not more than \$98,500. While the permissible range of salaries is set by statute, BPW determines the annual salary of each clerk on the basis of the relative volume of business and receipts in the clerk's office.

The Maryland Constitution prohibits augmentation or diminution of the salary or compensation of any public officer during a term of office except for those whose full term of office is fixed by law and exceeds four years. Clerks are elected to four-year terms.

Background: The clerk of the circuit court in each jurisdiction is responsible for the custody of records and other court documents. Other duties include issuing writs, recording of land instruments and other documents, issuing licenses, administering oaths of office, and handling matters related to the operation of the court, including the submission of an annual budget for the review and approval of the Chief Judge of the Court of Appeals.

Chapter 323 of 2005 (SB 598) increased the maximum salary of the clerks from \$85,000 to \$98,500, a 16% increase. **Exhibit 1** sets forth the maximum annual salary levels since 1982.

The increase in the maximum annual salary in the bill, from \$98,500 to \$114,500, is intended to allow for the clerks' salaries to increase in a manner comparable to the cumulative cost-of-living increases that other State employees have received since 2005, when the \$98,500 maximum was established.

Exhibit 1
Clerk of Courts Maximum Annual Salaries

<u>Year</u>	<u>Maximum Salary</u>	<u>Percentage Increase</u>
1982	\$37,500	--
1986	45,000	20%
1990	60,000	33%
1994	64,000	7%
1998	75,000	17%
2002	85,000	13%
2005	98,500	16%

Source: Department of Legislative Services

State Fiscal Effect: **Exhibit 2** shows the current and projected salaries of the 24 clerks under the bill. This analysis assumes that BPW increases the salaries of the clerks who earn the current maximum of \$98,500 to \$114,500, a 16% increase, and increases the salaries of the other clerks by the same percentage.

Based on the projected salary increases in Exhibit 2, and accounting for fringe benefits, general fund expenditures increase by \$273,266 in fiscal 2015, assuming clerks begin the next term on December 1, 2014. Beginning in fiscal 2016, general fund expenditures increase by \$468,456 annually.

Exhibit 2
Current and Projected Salaries for Circuit Court Clerks

<u>Clerk</u>	<u>Current Salary</u>	<u>Projected Salary</u>
Caroline	\$92,600	\$107,600
Dorchester	92,600	107,600
Garrett	92,600	107,600
Kent	92,600	107,600
Queen Anne's	92,600	107,600
Somerset	92,600	107,600
Talbot	92,600	107,600
Allegany	95,600	111,100
Calvert	95,600	111,100
Cecil	95,600	111,100
St. Mary's	95,600	111,100
Wicomico	95,600	111,100
Worcester	95,600	111,100
Carroll	96,750	112,500
Charles	96,750	112,500
Frederick	96,750	112,500
Harford	96,750	112,500
Howard	96,750	112,500
Washington	96,750	112,500
Anne Arundel	98,500	114,500
Baltimore City	98,500	114,500
Baltimore County	98,500	114,500
Montgomery	98,500	114,500
Prince George's	98,500	114,500

Source: Judiciary (Administrative Office of Courts), Department of Legislative Services

Additional Information

Prior Introductions: None.

Cross File: SB 421 (Senator Frosh) - Judicial Proceedings.

Information Source(s): Board of Public Works, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2013
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